



Atty. Dkt. No. 040356-0591

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Atsushi OHMA
Title: FUEL CELL STACK
Appl. No.: 10/582,222
International Filing Date: 11/25/2004
371(c) Date: 06/08/06
Examiner: Stephen J. Yanchuk
Art Unit: 1795
Confirmation Number: 3852

SUPPLEMENTAL BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the "Certification of Non-Compliant Appeal Brief" dated August 18, 2010, this Supplemental Appeal Brief is being filed. According to the Certification, independent claim 11, discussed in the Summary of Claim Subject Matter section, has not been mapped to the specification, by page and line number. The Certification also states that an entire brief is not due, only the corrected section. Accordingly, the corrected section is provided herein.

No fee is due; however, if a fee is deemed to be due, then authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 19-0741.

CORRECTED SUMMARY OF CLAIMED SUBJECT MATTER

Claim 11: a fuel cell stack (10) comprising a plurality of stacked unit cells (11) (“Field of the Invention” at [0001]; [0019]; [0008]), wherein each unit cell (11) comprises: a membrane electrode assembly (1a; FIG. 1a; [0019]) in which gas diffusion electrodes (1p) are disposed on each side of a polymer electrolyte membrane (1m) (FIG. 1a; [0019]); and a separator (1b, 1c) comprising a plurality of ribs (5b) (FIG. 1b; [0021]), which contact the membrane electrode assembly (1a) to realize a current collecting function ([0021]; [0008]), and a plurality of gas passages ([0020]; [0008]; FIG. 1b) formed between the ribs (5b) for supplying a gas to the gas diffusion electrode (1p), the fuel cell (10) stack comprises a first region and a second region ([0022]; [0008]), with both the first region and the second region being located in the interior of the fuel cell stack thereof (FIG. 1b; see [0022]-[0024]), the first region having a higher temperature than the second region ([0022]; [0008]), and at least one of the gas passages (4b), the ribs (5b), and the gas diffusion electrode (1p) is constituted such that a gas diffusion through the gas diffusion electrode (1p) adjacent to the first region is improved beyond the gas diffusion through the gas diffusion electrode (1p) adjacent to the second region ([0023]; [0024]; [0025]; [0008]).

CONCLUSION

In view of the foregoing, it is respectfully submitted that the “Certification of Non-Compliant Appeal Brief” has been responded to.

Respectfully submitted,

Date September 2, 2010

By Michael D. Kaminski

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

Michael D. Kaminski
Attorney for Applicant
Registration No. 32,904